[illegible] XI-37—10,000—20-12-37.

Home (1937) Department

No. SERIES.

G.O. No. 1842

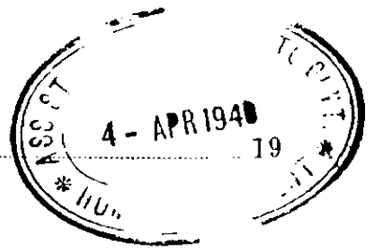
Dated 22-4-'40.

[Despatch Abstract.]

Courts - Civil - South Kanara district - Sub-Court, Mangalore - Appointment of additional Subordinate Judge - Continuance for one year Sanctioned.

C.F. 30.

DEPARTMENT.



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Subject.

Enclosures.
No.
Spare copies

R.O.C.No. 777/40-D2.

Station Madras, *Dated the* 2nd April 1940.

From (Name) Sri. Rao Bahadur D. APPA RAO,

(Designation) Registrar, High Court, Madras.

To The Secretary to the Government of Madras,

HOME Department.
(with enclosures).

Sir,

Courts - Civil - appointment of an Additional Subordinate Judge to the Subordinate Judge's Court, Mangalore - continuance recommended -

(1) Ref:-G.O.No.Ms.6359 Home Department dated 9th December 193

--

M-3-12 urgent

I am to forward a copy of letter No.Dis.1651 dated 24th March 1940 and its enclosures from the District Judge of South Kanara, wherein he requests that the term of the Additional Subordinate Judge, Mangalore, may be extended for one more year with effect from the date of expiry of the present period of sanction. The arrears in the Superior Courts on 31-10-1939 on the basis of which the term of the appointment was extended from 12-12-1939 to the date of

commencement of the summer recess in 1940, and the arrears on 1-3-1940 on the basis of which the District Judge now applies for further extension are as follow:-

	31-10-1939				1-3-1940.				
	O.S.	Appeals	Sess. Cases	Crl. Apps.	O.S.	Appeals	Sess. Cases	Crl. Appeals	Crl. R.Cs.
Dist. Court ..	9 (8 old)	297 (113 old)	10	6	8 (7 old)	288 (143 old)	7	10	1
Sub Court Mangalore ..	148(76 old)	607 (340 old)	3	-	137 (74 old)	671 (427 old)	3	-	-
Total ..	157(84 old)	904 (453 old)	13	6	145 (81 old)	959 (570 old)	10	10	1

On the basis of the standard outturn of 56 original suits after full trial for the Subordinate Judge's Court, Mangalore, the existing arrears of 137 original suits with 74 old suits represent about sixteen months' work for a single officer irrespective of the work in the other branches. The number of appeals pending in the two Courts is 959 of which 570 are more than six months old. There has also been a steady increase in the Sessions work in the Sessions Court. In these circumstances, the Hon'ble Judges recommend that the appointment of the Additional Subordinate Judge to the Subordinate Judge's Court, Mangalore, with his establishment, may be continued for one year more, with effect from the date of expiry of the present period of sanction.

I am therefore to request that Government may be pleased to issue orders accordingly.

Necessary provision has been made in the Budget Estimates for 1940-1941 for the continuance of the Additional Subordinate Judge and his establishment.

I have the honour to be,
Sir,
Your most obedient servant,

D. Appa Rao

REGISTRAR.

PP

Copy of letter Dis.No.1651 dated 24th March 1940 from the District Judge, South Kanara, Mangalore to the Registrar of the High Court of Judicature, M a d r a s.

Subject:- Courts-Civil-Appointment of an additional Subordinate Judge to the Subordinate Judge's Court, Mangalore-Continuance or otherwise-Report submitted.

Reference:- R.O.C.No.777/40-D2 dated 28-2-1940 and Reminder thereto dated 20-3-1940.

With reference to the above, I have the honour to state that the appointment of an additional Subordinate Judge to the Sub Court at Mangalore, was sanctioned for a period of six months from the re-opening of the Courts after the summer recess of (A) 1939 in G.O.No.Ms.1999 Home Department, dated 11-4-1939, and the term of his appointment was extended from 12th December last till the commencement of the summer recess of the current year in G.O. (D) No.6359 Home Department dated 9-12-1939.

2. The Courts re-opened after the summer recess in the year 1939 on 12th June. From that day onwards two Sub Judges have been working in the Sub Court. On 12th June 1939 the number of original suits pending in the Sub Court was 177. During the period of about 8½ months from 12th June 1939 to 29th February 1940, 82 suits were instituted, and the two Sub Judges together disposed of during this period in all 122 suits, 81 out of them being after full trial. The standard outturn fixed for a single ~~judge~~ Subordinate Judge is 56 suits after full trial in a year. The figure proportionate for a period of about 8½ months exceeded the standard for the two Sub Judges by one suit, in spite of the fact that the Principal Sub Judge had to devote 39½ days for the disposal of 17 sessions cases, and the Additional Sub Judge had small cause suits and petitions under Sections 53 and 54

of the Provincial Insolvency Act for disposal. Still, on ~~22-2-~~ 29-2-1940, the balance was as many as 137 suits. That the disposals by both the Sub Judges included old suits, is clear from the high average duration of 644 and 651 days in the year 1939. Still, the balance of old suits stood at 74, made up of one suit of 1931, one of 1933, four of 1934, 14 of 1935, 15 of 1936 12 of 1937, 15 of 1938 and 12 of 1939. To dispose of these old suits alone the two Sub Judges would require about 8 months. As to institutions, there was an increase in the year 1939 as compared with the previous year. Even during the two months of the current year, 15 suits have already been instituted, and the institutions may even on this basis run up to not less than between 80 to 90 suits before the close of the year. The Subordinate Judge reports that the sessions cases posted to this month and the next are particularly heavy and are ~~expected~~ expected to take up most of the time until the commencement of the recess. To bring therefore the pendency down to such a level as could be managed by a single Subordinate Judge, the retention of the Additional Subordinate Judge for one more year is absolutely necessary.

3. As to appeals, in the Sub Court itself, the two Sub Judges had 448 to start with, and during the period from 12-6-1939 to 29-2-1940, 493 appeals were transferred to that Court for disposal, and the two Sub Judges together disposed of in all 273 appeals, 247 out of them being after full trial. There is no standard outturn fixed for appeals. Considering the quantity of work the two Sub Judges turned out in other branches of work, the disposals of civil appeals by them taken together, or even singly, were quite satisfactory.

4. In the District Court, however, on account of the disposal of 42 sessions cases, and an equal number of criminal appeals, the number of working days available for civil work was only 41½ days in 1939 against 87½ days in 1938, so that the number of civil appeals that could be disposed of in 1939 was only 116, besides

5

40 Civil Miscellaneous Appeals and four original suits.

5. The balance in the Sub Court, of appeals on 29-2-1940 was 671 with 427 over six months old. In the District and Sub Courts taken together, the balance of civil appeals was 959 on 29-2-1940 and of these 570 appeals were more than six months old.

6. As to institutions the number of appeals instituted in 1939 was 467 against 461 in 1938. Even during the first two months of the current year as many as 110 appeals were instituted and at this rate the total institutions during the current year may come up to 550.

B

7. In the District Court, even during the first two months of the current year, as many as 29½ days out of 45 days had to be devoted for the disposal of sessions cases. Till the end of February there had been as many as 11 committals in the year and five were transferred to the Sub Court and the number of sessions cases pending in the District Court on 29-2-1940 was 7. In the year 1939 there were 54 committals and 15 of these were transferred to the Sub Court and on that basis at least 43 more committals have to be expected in the course of the year. Though some of them could be transferred to the Sub Court, the number of working days that might be available for civil work might in the current year as in the last year be very few so that any substantial reduction in the arrears of civil appeals by the District Court may not be possible.

8. Considering the fact that the total pendency of civil appeals alone has been nearly a 1000 and that about 60 per cent of them have already become old and also the fact that there is every likelihood of there being a rise in institutions in the current year, it is absolutely necessary in the interests of the litigants that the relief given for clearing off the

arrears should be continued for at ~~about~~ least one year more for the present.

9. In the Sub Court there are besides,miscellaneous proceedings including Land Acquisition Cases and Applications under sections 53 and 54 of the Provincial Insolvency Act which are in the nature of original suits;and the disposals of these again require time.

10. I therefore recommend that the term of appointment of the Additional Subordinate Judge may be extended for one more year.

11. The statements of institutions,disposals and pendency for the year 1939 and 1940 up to 29-2-1940 with figures for each officer separately called for by the High Court in paragraph 2 of the above letter are submitted ~~herex~~ herewith.

CMK.

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District Court, South Kanara.

Name of the Presiding Officer	Period presided over: From.	To	Instituted	Disposed of: After full trial	Un-Contested.	Total	Still pending: Total	Old Cases.	Remarks.
Year.				Original Suits.					
1939 Sri. P. Rajagopalachari	1-1-39	31-12-39	1 (a)	1	8 (b)	9	8	7	(a) This suit relates to Religious Endowment
1940 Do.	1-1-40	19-2-40	-	-	-	-	-	-	(b) This includes 5 suits, returned to Sub Court, Mangalore.
" Sri. R.S. Subrahmanya Ayyar	20-2-40	29-2-40	-	-	-	-	8	7	- -
Total for the Court	1-1-40	29-2-40	-	-	-	-	8	7	- -
				Civil Appeals.					
1939 Sri. P. Rajagopalachari	1-1-39	31-12-39	467	100	769 (c)	869	241	136	(c) This includes 753 transferred to Sub Court, Mangalore.
1940 Do.	1-1-40	19-2-40	-	7	52	59	-	-	
" Sri. R.S. Subrahmanya Ayyar	20-2-40	29-2-40	-	3	1	4			
Total for the Court	1-1-40	29-2-40	110	10	53 (d)	63	288	143	(d) This includes 52 Do. Do.
				Civil Miscellaneous Appeals.					
1939 Sri. P. Rajagopalachari	1-1-39	31-12-39	65	30	24 (e)	54	69	51	(e) This includes 14 Do. Do.
1940 Do.	1-1-40	19-2-40	-	2	6	8	-	-	
" Sri. R.S. Subramanya Ayyar	20-2-40	29-2-40	-	1	1	2	75	55	
Total for the Court	1-1-40	29-2-40	16	3	7 (f)	10	75	55	(f) This includes 3 Do. Do.

District Court South Kanara.
Mangalore 21st March 1940.

(Sd) R. S. Subramanyam.
District Judge

District Court, South Kanara.

Name of the Presiding Officer.	Period presided over. From	To.	Disposed of: Instituted	After full trial.	Summarily Contested.	Total.	Still pending: Total.	Old Cases.	Remarks.
				Sessions Cases.					
1939. Sri. P. Rajagopalachari	1-1-39	31-12-39	54 (a)	41	1 (b)	42	4		(a) Of these, 15 cases were transferred to the Assistant Sessions Judge, Mangalore.
1940. Do.	1-1-40	19-2-40	-	2	-	2	-		
Sri. R.S. Subrahmanya Ayyar.	20-2-40	29-2-40	-	1	-	1	7		(b) This case was postponed sine die as the accused was directed to be detained in the Mental Hospital, Madras under Sec. 466 Cr.P.
— Total for the Court.	1-1-40	29-2-40	11 (c)	3	-	3	7		
				Criminal Appeals.					
1939. Sri. P. Rajagopalachari	1-1-39	31-12-39	47	35	7	42	8		(c) Of these 5 cases were transferred to the Assistant Sessions Judge, Mangalore.
1940. Do.	1-1-40	19-2-40	-	1	1	2	-		
Sri. R.S. Subrahmanya Ayyar.	20-2-40	29-2-40	-	1	-	1	10		
— Total for the Court.	1-1-40	29-2-40	5	2	1	3	10		
				Criminal Revision Cases.					
1939. Sri. P. Rajagopalachari	1-1-39	31-12-39	-						
1940. Do.	1-1-40	19-2-40	-						
Sri. R.S. Subramanya Ayyar.	20-2-40	29-2-40	-						
— Total for the Court	1-1-40	29-2-40	1						

District Court, South Kanara.
Mangalore 24th March 1940.

(Sd) R.S. Subramanyam.
District Judge.

Subordinate Judge's Court, South Kanara. Mangalore

Name of the Presiding Officer	Period presided over: From	To	Pending on 12-6-39	Instituted	Disposed of: After full trial	Not Contested	Total	Still pending: Total	Old	Remarks
1	2	3	4	5	6	7	8	9	10	11
					Original Suits.					
Sri. D. S. Raja Rau (Prl. Sub. Judge)	12-6-39	29-2-40	177	82	45	22	67	64	35	
Sri. T. Vasudeva Rau Addl. Sub Judge.	Do	Do	.	.	36	19	55	73	39	
Total for the Court.			177	82	81	41	122	137	74.	
					Civil Appeals.					
Sri. D. S. Raja Rau Prl. Sub. Judge.	Do	Do	448	496*	128	17	145	322	199	Made up of 493 appeals received by transfer, one re-admitted and 2 received by remand.
Sri. T. Vasudeva Rao Addl. Sub. Judge.	Do	Do	.	.	119	9	128	349	228	
Total for the Court			448.	496	247	26	273	671	427	

District Court of South Kanara.
Mangalore, Dated 24th March 1940.

(Sd) R. S. Subrahmanyam
District Judge.

17 D

Subordinate Judge's Court, Mangalore.

Name of the Presiding Officer.	Period presided over. From	To	Instituted	Disposed of. After full trial	Disposed of. Un-Contested	Disposed of. Total.	Still pending. Total.	Still pending. Old Cases.	Remarks.
1939.					Mis. Petitions including L.A.Cs.				
Sri. D.S. Raja Rao Prl. Sub Judge.	1-1-39	31-12-39		353	1800	2153	299	133	
" T. Vasudeva Rao (Addl. Sub Judge)	12-6-39	31-12-39		169	704	873	147	74	
Total for the Court	1-1-39	31-12-39	2764	522	2504	3026	446	207	
1940.									
Sri. D.S. Raja Rao (Prl. Sub Judge)	1-1-40	29-2-40		34	200	234	328	179	
" T. Vasudeva Rao (Addl. Sub Judge)	1-1-40	29-2-40		23	128	151	121	56	
Total for the Court	1-1-40	29-2-40	415	57	328	385	(a) 449	235	(a) Of these 23 are Land Acquisition cases out of which 18 are old cases.
					Execution Petitions.				
1939.									
Sri. D.S. Raja Rao Prl. Sub Judge.	1-1-39	31-12-39		365		365	207	155	
Sri. T. Vasudeva Rao, Addl. Sub Judge.	12-6-39	31-12-39		213		213	52	8	
Total for the Court.	1-1-39	31-12-39	528	578		578	259	163	
1940.									
Sri. D.S. Raja Rao (Prl. Sub Judge)	1-1-40	29-2-40		22		22	239	189	
" T. Vasudeva Rao (Addl. Sub Judge)	1-1-40	29-2-40		59		59	53	6	
Total for the Court	1-1-40	29-2-40	114	81		81	292	195	

District Court, South Kanara,
Mangalore, 24th March 1940.

(Sd) R.S. Subramanyam
District Judge.

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Subordinate Judge's Court, Mangalore.

Name of the Presiding Officer.	Period presided over From	To	Instituted	Disposed of After full trial	Disposed of Uncontested	Disposed of Total	Still pending Total	Still pending Old Cases	Remarks.
				Civil Miscellaneous Appeals.					
1939. Sri D. S. Raja Rao (Prl. Sub Judge only)	1-1-39	31-12-39		5	1	6	13	4	
1940. Do.	1-1-40	29-2-40		2		2	11	10	
				Small Cause Suits					
1939. Sri D. S. Raja Rao (Prl. Sub Judge)	1-1-39	31-12-39		25	64	89	..	.	
Sri T. Vasudeva Rao (Addl. Sub Judge)	12-6-39	31-12-39		32	113	145	129	82	
Total for the Court	1-1-39	31-12-39	215	57	177	234	129	82	
1940. Sri T. Vasudeva Rao. (Addl. Sub Judge only)	1-1-40	29-2-40	25	5	29	34	120	81	
				Original Petitions.					
1939. Sri D. S. Raja Rao (Prl. Sub Judge only)	1-1-39	31-12-39	36	16	14	30	23	6	
1940. Do.	1-1-40	29-2-40	3	2	1	3	23	18	
				Insolvency Petitions.					
1939. Sri D. S. Raja Rao Prl. Sub Judge	1-1-39	31-12-39		7	7	14	.	.	
Sri. T. Vasudeva Rao (Addl. Sub Judge)	12-6-39	31-12-39		18	8	26	18	7	
Total for the Court.	1-1-39	31-12-39	24	25	15	40	18	7	
1940. Sri. T. Vasudeva Rao (Addl. Sub Judge only)	1-1-40	29-2-40	3	.	5	5	16	6	
				Sessions Cases.					
1939. Sri. D. S. Raja Rao.	1-1-39	31-12-39		14	.	14	1	.	
1940. Do.	1-1-40	29-2-40		3		3	3		

District Court, South Kanara,
Mangalore 24th March 1940.

(Sd) R. S. Subramanyam
District Judge

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Subordinate Judge's Court, ~~South Kanara~~ Mangalore.

Name of the Presiding Officer.	Period presided over		Instituted	Disposed of			Still pending		Remarks.
	From	To		After full trial	Un-Contested	Total.	Total.	Old Cases.	
				Original Suits.					
1939.									
Sri. D. S. Raja Rao (Prl. Sub Judge)	1-1-39	31-12-39	.	60	+ 35	95	67	32	
Sri. T. Vasudeva Rao (Addl. Sub Judge)	12-6-39	31-12-39	.	31	- 16	47	73	36	
- Total for the Court	1-1-39	31-12-39	96.	91	51	142	140	68	
1940.									
Sri. D. S. Raja Rao (Prl. Sub Judge)	1-1-40	29-2-40	.	8	3	11	64	35	
Sri. T. Vasudeva Rao (Addl. Sub Judge)	1-1-40	29-2-40	.	5	3	8	73	39	
- Total for the Court.	1-1-40	29-2-40	15	13	6	19	137	74	
				Civil Appeals.					
1939. Sri. D. S. Raja Rao (Prl. Sub Judge)	1-1-39	31-12-39	.	144	14	158	317	221	
Sri. T. Vasudeva Rao (Addl. Sub Judge)	12-6-39	31-12-39	.	101	5	106	345	248	
- Total for the Court	1-1-39	31-12-39	.	245	19	264	662	469	
1940.									
Sri. D. S. Raja Rao (Prl. Sub Judge)	1-1-40	29-2-40	.	15	7	22	322	199	
Sri. T. Vasudeva Rao (Addl. Sub Judge)	1-1-40	29-2-40	.	18	4	22	349	228	
- Total for the Court	1-1-40	29-2-40	.	33	11	44	671	427	

District Court, South Kanara,
Mangalore 24th March 1940.

(Sd) R. S. Subramanyam
District Judge.

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13

Home (E) Department.

C.No.10375E. From the Registrar, High Court No.R.O.C.777/40-D2. dated 2nd April 1940.

.....

Courts.- Civil - South Kanara District - Sub-Court, Mangalore - Additional Subordinate Judge - Continuance.

.....

The post of additional sub-judge, Mangalore was first sanctioned for a period of six months with effect from the date on which the court reopened after its summer recess in 1939. In December 1939, its continuance was sanctioned up to the date of commencement of the summer recess of the court in 1940. Its present sanction expires on 21-4-40. The Hon'ble the Judges of the High Court recommend its continuance for a further period of one year from 22-4-40.

2. The following statement shows the state of work in the sub-court since 1935:-

Year	O.S.			C.A.			S.C.S.		
	Ins.	Dis.	Pend.	Ins.	Dis.	Pend.	Ins.	Dis.	Pend
1935	110	114	149	119	159	122	224	230	57
1936	119	96	161	125	92	155	790	579	272
1937	96	95	168	128	74	209	222	232	69
1938	82	82	175	...	87	172	200	122	148
1939	96	142	140	..	264	662	215	234	129
1940 up to March Ist.	15	19	137	..	44	671	25	34	120
Full year (roughly)	90	114	..	..	264	..	150	204	
Standard Out-turn. New		56			156				
Old.		72			..				

It will be seen that, on the basis of the figures for the first 2 months in 1940, the institutions of O.S. in 1940 are likely to come up to the figure for 1939. The disposals are likely to be less

but it is too early to judge of this. The disposals of two sub-judges in 1939 (142) seem to be satisfactory on the basis of the standard out-turn.

3. The state of pendency in the sub-court on 1-8-38 on the basis of which the additional judge was sanctioned, and that on 31-10-39 on the basis of which it was continued, are compared below with the present pendency:-

Dated	O.S.	S.C.S.	C.A.S.
1-8-38	172 (115 old)	140 (45 old)	162 (all old)
31-10-39	148 (76 ")	Not known.	607 (340 old)
1- 3-40	137 (74 ")		671 (421 old).

The total pendency on 1/3/40 in the district court and the sub-court is shown in the statement on p.2 c.f.

The High Court has stated that on the basis of the standard out-turn of 56 O.S. after full trial, the existing arrears of 137 suits with 74 old suits represent about 16 months' work for a single officer, irrespective of the work in the other branches. It is also seen that the total number of appeals pending in the district court and the sub-court together was 959 on 1-3-40 as against 904 on 31-10-39. Moreover, it is observed from the District Judge's letter that owing to large increase in the sessions work, the District Judge was able to attend to civil work only on 41 days in 1939 as against 87 days in 1938 and that the position is likely to be the same in 1940 also. In the circumstances, it is for orders whether the High Court's recommendation to continue the additional sub-judge for a further period of one year may be accepted.

4. Finance may see for remarks.

for

Inter-departmental

CW
9/4

6.4.40.
Finance.

ltr no 10375 E 1
6/4/40.

15082 E

see ltr inward

Finance(E.I.)

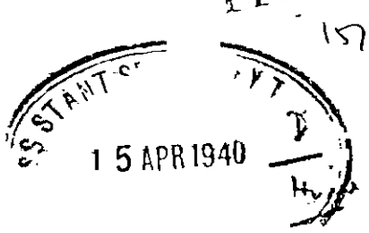
The proposal in this case is to sanction the continuance of the additional Sub-Judge, Mangalore with his staff temporarily for a further period of one year from 22-4-40.

2. It will be seen from the statement on p.1 ante that the number of 'O.S' pending in the Sub-Court on 1-3-40 was 137 of which 74 were old suits. On the basis of the old standard outturn, the pendency of 'O.S' alone, irrespective of subsequent institutions, represents ~~nearly 8 years'~~ about - 1½ months' work for a single officer. For ~~this~~ the reasons given by the High Court, the Home Department support the proposal of the High Court. Submitted that this department may also accept the proposal.

@ see ltr on p 2 ante

see p 1 ante

11621 E
15/4/40



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11.4.40

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12/4/40

Home

ltr no 15082 E/1
12-4-40

Y 16

Nominal Roll

A.S.-

Please see the remarks of the Finance department at p3 ante. A draft order is submitted for approval. Submitted for orders as to issue or circulation.

Draft not

Qs.
17/4.

17/4

17/4

For approval.

S

18.4.40.

Orders. 19.4.40

Send this wire to H. Court:—

"your [R.O.C. No] 777 [-40-D2 dated] second April. case. Continuance [of] Additional Subordinate Judge Mangalore sanctioned case. Order follows".

20.4.40.

[D.N. High Court to be informed by phone, on receipt of this file in Record — Jr. ex Fin. case Madras.]

21. 4. 1940.

The High Court has been informed by phone that formal orders are issued today.

Qs
22/4

20 APR 1940
GOVT. OF MADRAS HOME (SECRETARIAT)

22/4

22/4

ASSISTANT SECRETARY
22 APR 1940

VR 10/22/4 RJ

17

G.F.16.

DRAFT FOR APPROVAL.

Home Dept.

	Date.	Initials.
When received for fair copying ...		RB
When copied ..		W
When examined...		
When signed ...		
When despatched.		

SUBJECT:— Confl. Civil. South Kanara district - Sub-Court, Mangalore - Appointment of addl. Subordinate Judge - Continuance for one year - Sanctioned

(D) READ AGAIN G.O. 6359 Home, dated 9. 12. 1939.

" " " 19.

READ *ALSO*:—

H 1-2 J No. 10375 F From the Jt. el. Pro. c., No. 777/40-D2 dated 2. 4. 1940.

" " " " " 19.

" " " " " 19.

Order / Resolution — Ms. / Rout. No. 1842, dated 22 — 4 — 1940.

Site Memo ?

Sanction is accorded to the continuance of the appointment of additional South Kanara district Sub-Judge, Mangalore, with his establishment, for a further period of one year with effect from 22. 4. 1940.

Pus. 7 for note & sig.

2/10

To The Home (Confl.) Dept.
The Dt. Judge, South Kanara.
The Ag. Jt. Sec. to Govt. Home Dept.
The Treasurer, Home Dept.
(2 copies for file)

Dy. Sec. 17/4.

17/4

Conv 17/4

4/18.4.40.